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Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Fifth Committee (A/69/664)*]

69/203. Administration of justice at the United Nations

The General Assembly,

Recalling section XI of its resolution 55/258 of 14 June 2001, its resolutions 57/307 of 15 April 2003, 59/266 of 23 December 2004, 59/283 of 13 April 2005, 61/261 of 4 April 2007, 62/228 of 22 December 2007, 63/253 of 24 December 2008, 64/233 of 22 December 2009, 65/251 of 24 December 2010, 66/237 of 24 December 2011, 67/241 of 24 December 2012 and 68/254 of 27 December 2013,

Having considered the reports of the Secretary-General on administration of justice at the United Nations[1] and on the activities of the Office of the United Nations Ombudsman and Mediation Services,[2] the report of the Internal Justice Council on administration of justice at the United Nations[3] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[4] as well as the letter dated 29 October 2014 from the President of the General Assembly to the Chair of the Fifth Committee,[5]

1. *Takes note* of the reports of the Secretary-General on administration of justice at the United Nations[1] and on the activities of the Office of the United Nations Ombudsman and Mediation Services;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[4]

I

System of administration of justice

3. *Emphasizes* the importance of the principle of judicial independence in the system of administration of justice;

[1] A/69/227.
[2] A/69/126.
[3] A/69/205.
[4] A/69/519.
[5] A/C.5/69/10.

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4. *Stresses* the importance of ensuring access for all staff members to the system of administration of justice, regardless of their duty station;

5. *Reaffirms* its decision, contained in paragraph 4 of its resolution 61/261, to establish a new, independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike;

6. *Notes with appreciation* the achievements of the system of administration of justice since its inception regarding both the disposal of the backlog and the addressing of new cases, as well as the increased use of informal resolution mechanisms;

7. *Acknowledges* the evolving nature of the system of administration of justice and the need to carefully monitor its implementation to ensure that it remains within the parameters set out by the General Assembly;

8. *Decides* to extend the three ad litem judge positions for one year, from 1 January to 31 December 2015;

9. *Stresses* the importance of continuous consultation among relevant stakeholders in fostering a dialogue-oriented culture across the Organization;

10. *Reaffirms* its decision, contained in paragraph 12 of its resolution 68/254, that the interim independent assessment shall examine the system of administration of justice in all its aspects, with particular attention to the formal system and its relation with the informal system, including an analysis of whether the aims and objectives of the system set out in resolution 61/261 are being achieved in an efficient and cost-effective manner;

11. *Decides* that the panel shall be appointed from a pool of experts drawn from all regional groups and judicial systems, selected to ensure the independent nature of the assessment, taking into account geographical representation and gender balance, and that it shall have a broad mix of expertise, comprising members with knowledge of internal United Nations processes and United Nations intergovernmental legislation, as well as judicial experience, knowledge of internal labour dispute mechanisms and knowledge of different legal and justice systems, including expertise in employment and/or human rights law;

12. *Also decides* that the objective of the interim assessment is the improvement of the current system and that the assessment should include consideration of, inter alia, elements set out in annex II to the report of the Secretary-General[1] and in the letter from the Chair of the Sixth Committee[6] and any other significant issues relevant to the assessment, such as the role of stakeholders in the system of administration of justice in the preparation of relevant proposals;

13. *Requests* the Secretary-General to transmit the recommendations of the panel of experts, together with its final report and his comments, for consideration by the General Assembly at the main part of its seventy-first session;

[6] Ibid., annex.

II

Informal system

14. *Recognizes* that the informal system of administration of justice is an efficient and effective option for staff who seek redress of grievances and for managers to participate in;

15. *Reaffirms* that the informal resolution of conflict is a crucial element of the system of administration of justice, emphasizes that all possible use should be made of the informal system in order to avoid unnecessary litigation, without prejudice to the basic right of staff members to access the formal system of justice, and encourages recourse to the informal resolution of disputes;

16. *Welcomes* the outreach activities of the Office of the United Nations Ombudsman and Mediation Services to encourage informal dispute resolution;

17. *Also welcomes* the recommendations to address systemic and cross-cutting issues contained in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services, and requests the Secretary-General to report to the General Assembly on progress made in the implementation of those recommendations in his next report;

18. *Requests* that information on the number and nature of cases from non-staff personnel continue to be clearly set out in future reports on the activities of the Office of the United Nations Ombudsman and Mediation Services;

19. *Recalls* paragraph 49 of the report of the Advisory Committee and paragraph 23 of its resolution 68/254, and requests the Secretary-General to provide, in his next report on the activities of the Office of the United Nations Ombudsman and Mediation Services, data and other relevant information on outreach activities, focusing on conflict resolution, systemic issues and conflict competence, as well as on promotion of the benefits of informal resolution;

20. *Also recalls* paragraph 32 of the report of the Advisory Committee, regrets that the Secretary-General has not fulfilled the request to ensure that the revised terms of reference and guidelines for the Office of the United Nations Ombudsman and Mediation Services are promulgated, and reiterates its request to the Secretary-General to do so by the end of December 2014 at the latest;

21. *Recognizes* that in-person access to the Office of the United Nations Ombudsman and Mediation Services is a challenge for staff in the field, including for those in special political missions;

22. *Requests* the Secretary-General to strengthen performance management skills among managers, including by enriching training programmes for conflict competence;

23. *Recognizes* the importance of both staff and managers understanding and adopting conflict competency skills in order to prevent conflicts, cope with potential or actual conflicts and maintain resilience, and in this regard notes with appreciation the activities of the Office of the United Nations Ombudsman and Mediation Services to promote conflict competence at all levels of the Organization;

24. *Reiterates* that sound performance management can greatly contribute to avoiding conflict in the workplace, and requests the Secretary-General to continue his efforts to promote collaboration among all relevant stakeholders towards the full implementation of a credible, fair and consistent performance management system;

III

Formal system

25. *Recognizes* the ongoing positive contribution of the Office of Staff Legal Assistance to the system of administration of justice;

26. *Also recognizes* the importance of the Office of Staff Legal Assistance as a filter in the system of administration of justice, and encourages the Office to continue to advise staff on the merits of their cases, especially when giving summary or preventive legal advice;

27. *Recalls* the emphasis placed by the General Assembly on the resolution of disputes, and requests the Secretary-General to report on the practice of proactive case management by the judges of the United Nations Dispute Tribunal in the promotion and successful settlement of disputes within the formal system in his next report;

28. *Requests* the Secretary-General to continue to track the data on the number of cases received by the Management Evaluation Unit and the Dispute Tribunal in order to identify any emerging trends and to include his observations on those statistics in future reports;

29. *Reaffirms* the need for the Dispute Tribunal and the United Nations Appeals Tribunal to have at their disposal functional courtrooms equipped with adequate facilities;

30. *Welcomes* the progress made in the implementation of the voluntary supplemental funding mechanism with respect to additional resources for the Office of Staff Legal Assistance;

31. *Stresses* the need to explore further means to raise awareness among staff of the importance of financial contributions to the Office of Staff Legal Assistance;

32. *Recalls* paragraph 35 of its resolution 68/254, and requests the Secretary-General to implement incentives for staff not to opt out and to report thereon to the General Assembly in his next report;

33. *Requests* the Secretary-General to continue to collect and examine data relating to staff contributions to the Office of Staff Legal Assistance and to report thereon to the General Assembly in his next report;

34. *Stresses* the importance of the dissemination of the jurisprudence of the Tribunals, including through improvement to the search engine;

35. *Requests* the Secretary-General to ensure that a lessons-learned guide on performance management based on the jurisprudence of the Tribunals is completed before the main part of the seventieth session of the General Assembly and that it is shared with managers across the Organization;

36. *Reaffirms* that, in accordance with paragraph 25 of its resolution 68/254, paragraph 5 of its resolution 67/241 and paragraph 28 of its resolution 63/253, the Dispute Tribunal and the Appeals Tribunal shall not have any powers beyond those conferred under their respective statutes;

37. *Also reaffirms* that recourse to general principles of law and the Charter of the United Nations by the Tribunals is to take place within the context of and consistent with their statutes and the relevant General Assembly resolutions, regulations, rules and administrative issuances;

38. *Decides* to amend article 10, paragraph 5, of the statute of the Dispute Tribunal and article 9, paragraph 1, of the statute of the Appeals Tribunal, by adding the word "only" between the words "may" and "order", and to amend article 10, paragraph 5 (*b*), of the statute of the Dispute Tribunal and article 9, paragraph 1 (*b*), of the statute of the Appeals Tribunal, by adding the words "for harm, supported by evidence" after the word "compensation";

39. *Also decides* to amend article 11, paragraph 3, of the statute of the Dispute Tribunal by inserting the words "and orders" after the word "judgements" and by adding, at the end of the paragraph, a sentence reading "Case management orders or directives shall be executable immediately.", and to amend article 7, paragraph 5, of the statute of the Appeals Tribunal by inserting the words "or order" after the word "judgement";

40. *Emphasizes* that the amendments to article 11, paragraph 3, of the statute of the Dispute Tribunal shall not affect the provisions of article 2, paragraph 2, and article 10, paragraph 2, of the statute of the Dispute Tribunal;

41. *Requests* the Secretary-General to provide to the General Assembly at the main part of its seventieth session a report on the implementation of the amendment to article 11, paragraph 3, of the statute of the Dispute Tribunal and article 7, paragraph 5, of the statute of the Appeals Tribunal, including with respect to the administrative implications, any implications for the timely disposal of these cases, the ultimate disposition of appeals of orders, if any, and any costs saved by reason of stays pending such appeals;

42. *Decides* to approve the amendments to article 3 of the statute of the Appeals Tribunal proposed in annex IV to the report of the Secretary-General,[1] with the following modifications:

(*a*) Replace the second sentence of article 3, paragraph 3 (*b*), as follows: "Relevant academic experience, when combined with practical experience in arbitration or the equivalent, may be taken into account towards 5 of the qualifying 15 years.";

(*b*) Delete the third sentence of article 3, paragraph 3 (*b*);

(*c*) Delete the following words of article 3, paragraph 3 (*c*), "and, on appointment, be in a state of health appropriate for effective service during the entirety of the proposed term of appointment";

43. *Requests* the Secretary-General to review the issue of harmonization of the privileges and immunities of the judges and to submit a proposal to the General Assembly in his next report on this item;

44. *Stresses* the need to ensure that all individuals acting as legal representatives appearing before the Dispute Tribunal and Appeals Tribunal are subject to the same standards of professional conduct, and in this regard requests the Secretary-General to submit to the General Assembly in his next report a single code of conduct for all legal representatives, without prejudice to other lines of disciplinary authority;

45. *Reiterates its request* to the Secretary-General to develop incentives for staff and management, including through training opportunities, to enable and encourage staff to continue to participate as volunteers in the work of the Office of Staff Legal Assistance;

IV

Other issues

46. *Notes* the proposal of the Secretary-General of a mechanism for addressing complaints under the code of conduct of judges, and requests the Secretary-General to submit to the General Assembly, in his next report, a refined proposal with regard to the scope of application and the title of the mechanism;

47. *Stresses* that the Internal Justice Council can help to ensure independence, professionalism and accountability in the system of administration of justice, and requests the Secretary-General to entrust the Council with including the views of both the Dispute Tribunal and the Appeals Tribunal in its reports;

48. *Recalls* paragraph 39 of the report of the Advisory Committee and paragraph 8 of its resolution 61/261, and requests the Secretary-General to present, in his next report, proposals with reference to the accountability of all individuals where violations of the rules and procedures of the Organization have led to financial loss;

49. *Invites* the Sixth Committee to consider the legal aspects of the report to be submitted by the Secretary-General, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters;

50. *Requests* the Secretary-General to report to the General Assembly at its seventieth session on the implementation of the present resolution.

73rd plenary meeting
18 December 2014